



DECISION TO STRIKE OUT

Case no. CH/98/967

R.B.

against

THE REPUBLIKA SRPSKA

The Human Rights Chamber for Bosnia and Herzegovina, sitting as the First Panel on 6 June 2003 with the following members present:

Ms. Michèle PICARD, President
Mr. Miodrag PAJIĆ, Vice-President
Mr. Dietrich RAUSCHNING
Mr. Hasan BALIĆ
Mr. Želimir JUKA
Mr. Andrew GROTRIAN

Mr. Ulrich GARMS, Registrar
Ms. Olga KAPIĆ, Deputy Registrar
Ms. Antonia DE MEO, Deputy Registrar

Having considered the aforementioned application introduced pursuant to Article VIII(1) of the Human Rights Agreement (“the Agreement”) set out in Annex 6 to the General Framework Agreement for Peace in Bosnia and Herzegovina;

Adopts the following decision pursuant to Article VIII(3)(a) of the Agreement and Rules 49(2) and 52 of the Chamber’s Rules of Procedure:

I. FACTS

1. The application was introduced on 18 September 1998.
2. The applicant complains about a contract on exchange of 10 October 1995 by which he exchanged his real estate marked as cadastral lot no. 1899/10 in the land registry entry no. 94/2 of the Cadastral Municipality Bosanska Gradiška, for the real-estate marked as cadastral lot no. 3187/4 in the land registry entry no. 520 of the Cadastral Municipality Nova Gradiška, owned by the persons P.G., D.G., D.K. and D.R.
3. On 3 December 1997, the applicant initiated civil proceedings before the First Instance Court in Gradiška to determine that the contract on exchange of 10 October 1995 is not valid. The First Instance Court issued a judgment on 3 June 1998 rejecting the applicant's suit in its entirety. On 23 July 1998, the applicant filed an appeal.
4. On 12 November 1998, the Commission for Real Property Claims of Displaced Persons and Refugees issued a decision confirming that on 1 April 1992, the applicant was a *bona fide* possessor of the real estate marked as cadastral lot no. 1899/10 in the land registry entry no. 94/2 of the Cadastral Municipality Bosanska Gradiška.
5. On 12 July 2002 and 7 November 2002, the Chamber sent letters by registered mail to the applicant asking if there had been any developments in his case. These letters specifically warned the applicant that if he did not respond, the Chamber might decide to strike out his application. The Chamber received one delivery receipt, which was signed by the applicant. The second letter was returned to the Chamber. The applicant has never responded to the Chamber's letters.

II. OPINION OF THE CHAMBER

6. In accordance with Article VIII(3) of the Agreement, "the Chamber may decide at any point in its proceedings to suspend consideration of, reject or strike out, an application on the ground that (a) the applicant does not intend to pursue his/her application; ... provided that such result is consistent with the objective of respect for human rights."
7. The Chamber notes that the applicant has received at least one letter from the Chamber asking him to update his case and containing a warning that his application might be struck out if he failed to respond. The applicant has not responded and has in fact never contacted the Chamber since the day he filed the application. In these circumstances, the Chamber concludes that the applicant does not intend to pursue his application. Furthermore, the Chamber finds no special circumstances regarding respect for human rights which require the examination of the application to be continued. The Chamber therefore decides to strike out the application, pursuant to Article VIII(3)(a) of the Agreement.

III. CONCLUSION

8. For these reasons, the Chamber, unanimously,

STRIKES OUT THE APPLICATION.

(signed)
Ulrich GARMS
Registrar of the Chamber

(signed)
Michèle PICARD
President of the First Panel